Business Plan

2017–2018

Office of Aboriginal Affairs

NOVA SCOTIA

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Budget 2017–2018: Business Plans

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Message from the Minister

I am pleased to present the Nova Scotia Office of Aboriginal Affairs business plan for 2017-2018. The Office of Aboriginal Affairs (OAA) provides comprehensive support and advice on a complex suite of issues, consultation obligations, formal negotiations, and opportunities that seek to improve the social and economic prosperity of Aboriginal peoples in Nova Scotia.

Nova Scotia continues to be an innovative leader in many areas through well-established formal and productive relationships with the Mi'kmaq and Aboriginal communities. This is achieved through the Made-In-Nova Scotia Negotiation process, formal Consultation processes, the Treaty Education Initiative, and the Mi'kmaq-Nova Scotia-Canada Tripartite Forum. Additionally, OAA continues to provide consistent advice, training, and engagement techniques on a wide range of Aboriginal issues to other provincial government departments.

At the interprovincial and national levels, OAA remains active in representing Nova Scotia on Aboriginal issues across Canada. This includes engagement on many major initiatives with federal and provincial partners, such as the National Inquiry into Murdered and Missing Indigenous Women and Girls, Federal-Provincial-Territorial Indigenous Forum, implementation of the Truth and Reconciliation Commission's (TRC) Calls to Action, participating in Federal-Provincial-Territorial roundtables, and the annual meeting of Canada's Premiers with National Indigenous Organizations.

Treaty Education has been a major priority since the signing of the Memorandum of Understanding on Treaty Day, October 1, 2015. The work of the Treaty Education Implementation Committee, a collaborative partnership between four provincial departments and Mi'kmaw Kina'matnewey, continues to promote the importance of understanding the history and culture of Nova Scotia's Mi'kmaq and Aboriginal peoples and our shared Treaty relationship.

The posthumous pardon of, and apology to, the late Grand Chief Gabriel Sylliboy for his wrongful conviction for hunting illegally is an important and symbolic action that promotes reconciliation and works toward building better relationships with Aboriginal people related to past injustices. At the same time, we celebrate today by supporting contemporary celebrations such as Aboriginal Peoples Television Network (APTN) celebrations on June 21st, National Aboriginal Day.

Nova Scotia strives to remain innovative in approaches to delivering our mandate through flexibility and adoption of best practices through vehicles such as the nationally unique Tripartite Forum and our developing Treaty Education initiative.

We are proud of the work we have accomplished over the last year, and look forward to continuing to build meaningful relationships and partnerships that will create opportunities and help build an inclusive, innovative, and prosperous Nova Scotia.

Wela'lin,

Premier Stephen McNeil
Minister, Office of Aboriginal Affairs

Section 1 – Mandate

Aboriginal Affairs leads negotiations related to Aboriginal and treaty rights with the Mi'kmaq of Nova Scotia and the Federal Government, coordinates and facilitates consultation between the Provincial Government and the Mi'kmaq of Nova Scotia, represents provincial interests that address Aboriginal matters, and provides strategic policy advice to government in fostering social and economic prosperity in Aboriginal communities. In addition, Aboriginal Affairs works with partners within and outside of government to increase public awareness and understanding of many Aboriginal issues. This is done through the development of resources for the general public, educational institutions, and other targeted audiences.

To advance the Office of Aboriginal Affairs' broad mandate, it is important to understand the various interests and priorities of Aboriginal peoples in Nova Scotia, and the complex treaty relationship that the Crown has with the Mi'kmaq in Nova Scotia. The Umbrella Agreement (2002) outlines the Province's primary commitments and mechanisms by which we currently advance our relationship with the Mi'kmaq of Nova Scotia and Canada. This agreement includes the development and signing of a Negotiation Framework Agreement on Aboriginal and Treaty Rights; signing the Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference, a preferred protocol for conducting consultations with the Mi'kmaq; and ongoing support for the Mi'kmaq-Nova Scotia-Canada Tripartite Forum. The Tripartite Forum was created in 1997 between the Nova Scotia Mi'kmaq, the Province of Nova Scotia, and the Government of Canada, to strengthen relationships and to resolve non-rights-based issues of mutual concern affecting Mi'kmaw communities.

Section 2 – Core Responsibilities/Services

Improve Social and Economic Prosperity of Aboriginal Communities

Ongoing work continues to identify opportunities that will improve social and economic prosperity of Aboriginal communities in Nova Scotia, which increases participation of Aboriginal economic development initiatives and strengthens the provincial economy. Continuing to enhance economic development, education, and employment opportunities is done through maintaining and developing productive and collaborative partnerships with other provincial departments and external partners. OAA works collaboratively with Mi'kmaw communities and Aboriginal organizations, as well as other levels of government, to coordinate Aboriginal and Tripartite initiatives, develop strategies, promote business development opportunities, and increase governance capacity.

OAA supports a number of projects that focus on maintaining collaborative partnerships to improve social and economic prosperity of Aboriginal communities and Aboriginal Nova Scotians. In addition, enhanced public awareness and appreciation of Mi'kmaq history and culture target youth initiatives, marginalized communities, urban Aboriginal populations, and increase Aboriginal employment in the provincial workforce. For example, in 2016-2017, support for specific youth initiatives include: Paqtnkek Kidpreneur, Leave Out Violence Everywhere (LOVE) Leadership Event

for Aboriginal Youth, Clean Foundation's Nova Scotia Youth Conservation Corps, Mi'kmaw Association for Cultural Studies Cultural Youth Village and Medicine Walk, as well as the Mi'kmaw Summer Games. Recognizing the unique position of the Mi'kmaq in this province and the contributions of Mi'kmaw culture is supported through several initiatives focusing on cultural expression, visibility, and the development and planning for a Mi'kmaw cultural centre. OAA and Communities, Culture & Heritage are collaborating to provide financial support to the Aboriginal People's Television Network (APTN) to bring Aboriginal Day Live back to Halifax in June 2017. This year's events will be hosted in eight cities across Canada as part of the celebration of Canada's 150th birthday.

OAA plays a central coordination role connecting government departments with Aboriginal agencies involved in training and job creation. Recently, OAA has fostered connections among Transportation & Infrastructure Renewal, Mi'kmaw Employment & Training Secretariat (METS), Aboriginal Peoples Training & Employment Commission (APTEC), and the Mi'kmaq Economic Benefits Office (MEBO) to explore and enhance training, recruitment, and employment opportunities for Aboriginal people. These efforts have yielded stronger relationships, as well as increasing regional seasonal employment opportunities in construction and maintenance roles. OAA will continue these efforts with partners to increase the number of Aboriginal people receiving employment-based training and improving economic development opportunities and job creation.

The urban Aboriginal population continues to increase and offers both challenges and opportunities to transition and grow our economy and culture. Our office works closely with and supports organizations such as the Mi'kmaw Native Friendship Centre to provide culturally sensitive approaches to better serve and understand this expanding population.

Through the Aboriginal Community Development Fund (ACDF) and other grant funding, OAA supports and enhances the capacity of Aboriginal organizations and Mi'kmaw communities to improve social and economic prosperity for Aboriginal people in Nova Scotia. The ACDF supports community economic development activities through leveraging community, provincial, and federal investments to achieve a wide range of social and economic outcomes. Projects and initiatives are community-led and Mi'kmaq driven, and aim to foster collaboration and exploration of new opportunities. In the last two years, the ACDF has supported feasibility studies, economic development and strategic planning, capacity building, and youth entrepreneurship. These investments typically leverage significant federal investment in community initiatives, and OAA will continue to maximize partnerships and collaboration through the ACDF in 2017-2018.

Measures of success vary depending on the project, but often include increasing employment prospects, developing capacity in Aboriginal communities, providing leadership development opportunities for youth, establishing business opportunities, and increasing education and awareness regarding issues facing Mi'kmaw communities and peoples.

Strategic Policy Advice

As a central agency, OAA provides ongoing horizontal coordination, guidance, and effective strategic advice on a wide range of departmental policies, initiatives, issues, and opportunities. This work intersects with virtually every government department through the interests, priorities, issues, and rights of Aboriginal people in Nova Scotia. OAA works to provide ongoing, continual support and promotes meaningful and harmonious relationships between Nova Scotia and Mi'kmaw communities.

OAA coordinates a collaborative approach amongst departments around broad Aboriginal issues of mutual and provincial interest. This is achieved formally through the Senior Officials Advisory Committee on Aboriginal Affairs and informally through issue coordination and management with line departments. Through the Policy Division, interpretation, analysis, and synthesis of information on issues from the Aboriginal community and Nova Scotia's 13 Mi'kmaq First Nations is coordinated to provide advice for the annual Assembly of Nova Scotia Mi'kmaq Chiefs and Provincial Cabinet meeting, and ongoing issues such as legislation, consultations, and negotiations.

Our relationships are strengthened through identification and coordination of cross-departmental Aboriginal issues, managing bilateral relations with the Mi'kmaq, and fostering intergovernmental relations with Canada and other provinces. A significant component of the collaborative relationship with the Mi'kmaq and Federal Government is through the Mi'kmaq-Nova Scotia-Canada Tripartite Forum (TPF). Coordinated through the Policy Division, OAA provides both funding and leadership to the Tripartite Forum to enhance collaboration and improve outcomes on issues of mutual importance. Working groups focused on these themes include: Culture & Heritage, Education, Economic Development, Justice, Health, Social, and Sport & Recreation. The Tripartite Forum is approaching its 20th anniversary and recommitment and renewal will be a focus for 2017-2018. This forum is a nationally unique and innovative mechanism that brings multiple levels of government and the Mi'kmaw community together to work collaboratively.

In addition, OAA coordinates and leads provincial involvement with major Federal-Provincial-Territorial (FPT) initiatives, including the FPT Indigenous Forum (replacing the Aboriginal Affairs Working Group), participating in the National Inquiry on Missing and Murdered Indigenous Women and Girls, the National Indigenous Women's Summit, providing funding to the Status of Women for ongoing work for Nova Scotia's Sexual Violence Response Strategy, and working with Mi'kmaw leadership and other partners to address the Truth and Reconciliation Commission Calls to Action, and the Federal government's adoption of the United Nations Declaration on the Rights of Indigenous Peoples. Participation in these reconciliatory and restorative processes will allow Aboriginal people to take an active role in the process of healing and improving our relationships with these communities.

Duty to Consult

In 2004, the Supreme Court of Canada ruled that provincial and federal governments have a duty to consult with Aboriginal peoples and accommodate their interests, where appropriate, when contemplating conduct that may adversely impact established and asserted Aboriginal or treaty rights. The Government of Nova Scotia recognizes the duty to consult with the Mi'kmaq of Nova Scotia and, beginning in 2007, established an institutional framework for consultation.

The Consultation Division provides policy leadership, guidance, and advice to government departments about the duty to consult with the Mi'kmaq of Nova Scotia, and advises on the process to fulfill consultation obligations. The consultation process is guided by the *Nova Scotia-Mi'kmaq-Canada Consultation Terms of Reference* (ToR), and the *Government of Nova Scotia Policy and Guidelines: Consultation with the Mi'kmaq of Nova Scotia*. The Consultation Division works directly with departments to implement the ToR consultation process by coordinating consultation, facilitating meetings and communication, organizing and coordinating working groups, technical committees and consultation tables, developing tools, and offering training and capacity building to ensure the duty to consult is met.

In addition, OAA coordinates consultations with federal departments on projects where multi-jurisdictional decisions are required. A coordinated approach ensures government meets its legal consultation obligations and has consistent and effective mechanisms for consulting with the Mi'kmaq. The relationship with Canada is guided by the *Canada-Nova Scotia MOU on Consultation Cooperation*. It enables the sharing of information and gives direction to coordinated training and capacity building for provincial and federal public servants. OAA also advises project proponents on delegated aspects of consultation and engagement with the Mi'kmaq, as outlined in the *Proponents' Guide: The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia*.

In 2017-2018, the Consultation Division will continue to provide consistent advice, coordination, and tools to ensure provincial departments are effectively supported in leading consultations with the Mi'kmaq. The division will continue to manage relationships and interim consultation processes with Millbrook and Sipekne'katik First Nations who have chosen to consult outside the Consultation Terms of Reference, as well as to develop a database to help track and coordinate provincial consultations.

A review of the Consultation ToR was completed in 2016, and OAA will continue working to implement these results. Specifically, three areas of further work were identified: to clarify the post-consultation approach; to develop an engagement process outside the ToR for non-rights based issues; and, to clarify the spectrum of consultation and its relevance to the consultation processes.

Finally, as demands for consultation resources continue to increase, as a result of due diligence and responsibility guided by case law and the requirements to consult with Mi'kmaw communities outside the ToR, a review of how provincial departments and the Consultation Division are structured to support the consultation process has been initiated.

Made-in-Nova Scotia Process

The Made-in-Nova Scotia Process is the formal tripartite Aboriginal and treaty rights negotiation process involving Nova Scotia, Canada, and the Mi'kmaq of Nova Scotia, as represented by the Assembly of Nova Scotia Mi'kmaq Chiefs through the Kwilmu'kw Maw-klusuaqn Negotiations Office (KMKNO).

This negotiation process allows the three parties to resolve issues related to Mi'kmaq asserted and established Aboriginal and treaty rights, including Aboriginal title and Mi'kmaq governance, in a collaborative and interest-based manner. The negotiation process helps maintain and foster a positive and productive relationship between the Province and the Mi'kmaq of Nova Scotia as the parties work toward mutually beneficial short term and long-term negotiated arrangements and the long-term goal of a Mi'kmaq of Nova Scotia Accord.

Through the negotiation process, OAA represents Nova Scotia's interests and negotiations goals. These include focusing on enhancing legal clarity on rights issues, improving and maintaining stable relationships, and reducing social and economic disparity for the Mi'kmaq of Nova Scotia.

In 2017-2018, the parties will continue to explore interim and incremental approaches to addressing Mi'kmaq rights in Nova Scotia. This will focus on negotiated agreements that bring greater clarity and predictability to the exercise of Mi'kmaq wildlife and fishing rights in Nova Scotia. In addition, work will continue to build consensus on forestry issues and a discussion of a pilot forest management agreement to build Mi'kmaq forest management capacity.

Other areas of ongoing work include increased demands to address issues of Mi'kmaq governance and citizenship criteria, rights agreement ratification processes, the acquisition of land of interest to the Mi'kmaq, and continuing to explore the land and geographic extent of land claim issues.

Enhanced Public Education Awareness and Understanding

Continuing to build understanding of historical and contemporary Mi'kmaq and Aboriginal context across Nova Scotia is a critical ongoing step as we continue to build stronger relationships and work towards reconciliation between Aboriginal and non-Aboriginal Nova Scotians. OAA plays a critical role in sharing messages and knowledge to celebrate Nova Scotia's diverse cultural heritage and build welcoming and inclusive communities. Through collaboration with Aboriginal organizations, communities, and government departments and colleagues, OAA works to build capacity of organizations, celebrate culture and history, and extend the reach of education opportunities.

OAA coordinates annual Treaty Day celebrations with the Mi'kmaq in October, and supports the Mi'kmaq History Month Committee by promoting community events and activities that celebrate Mi'kmaq culture, heritage, and contributions across Nova Scotia. Treaty Day (October 1st) commemorates the role of treaties in the relationship between Nova Scotia Mi'kmaq and the Crown. Each year, people gather in Halifax to participate, celebrate, and learn about an important piece of Nova Scotia's founding history.

OAA is providing corporate leadership on Treaty Education, a collaborative initiative involving the Departments of Education and Early Childhood Development, Communities, Culture and Heritage, the Public Service Commission, and Mi'kmaw Kina'matnewey (MK) to develop specific Treaty Education programs and services for the education system, the provincial civil service, and the broader public.

A joint agreement on Treaty Education for all Nova Scotians was signed on Treaty Day, October 1, 2015 between the province and the Mi'kmaq. A primary goal is to improve early childhood and P-12 education by increasing awareness and education about our shared history and responsibilities.

Aboriginal Affairs provides funding, coordination and staff resources to support the Treaty Education initiative, as well as specific projects and initiatives, such as elders and knowledge holder gatherings, ceremonies and events. Other goals for 2017-2018 will be to develop base metrics for Treaty Education to determine progress and explore options for establishing a joint entity to coordinate Treaty Education efforts in Nova Scotia. OAA will support Mi'kmaw schools and provincial school authorities to help develop resources to raise awareness of Aboriginal issues for teachers and students. Finally, OAA will work to create a broader awareness and knowledge of cultural competency in the Nova Scotia Public Service to increase Aboriginal representation in training and education programs and in the workforce.

Treaty Education creates an opportunity to develop innovative and reconciliatory methods for learning about our shared history and responsibilities. By promoting a deeper understanding of our shared treaty relationship, we can create greater understanding of matters pertaining to many important sectors of Nova Scotia's economy, including natural resources and energy.

Most recently in February 2017, in the spirit of recognition and reconciliation, Nova Scotia granted a posthumous full pardon and apology of Grand Chief Gabriel Sylliboy who was convicted of illegal hunting in 1927, before treaties were legally recognized as they are today.

Section 3 – Measuring Progress, Impact, and Success

Our approach to measuring progress, impact, and success is founded on strong working relationships with the Mi'kmaq and Aboriginal people in the province. These relationships will continue to be strengthened through existing mechanisms mentioned above, as well as other

national, regional, and local forums and working committees. As a small office with a central agency role, providing advice and coordination to all provincial departments and agencies, we have many ongoing initiatives and priorities that are collaborative, integrated, and often complex.

The success of our work and approach can be measured through reflection and qualitative evaluation of our strategic outcomes. These include our positive and productive relationships through negotiations with Canada and the Mi'kmaq, the coordinated approach to ensure government meets its legal consultation obligations, and collaborative partnerships to improve social and economic prosperity for all Aboriginal communities.

Collaborative and respectful Aboriginal and intergovernmental relations and effective coordination and strategic policy advice within the Nova Scotia government and with Aboriginal communities and organizations addresses a range of issues affecting these communities. Finally, enhanced public awareness and appreciation of Mi'kmaq and Aboriginal history and culture, including continued development and promotion of training for Nova Scotia public servants, enhanced curriculum within the public education system, and increased outreach with the general public will further strengthen our productive and positive relationships with the Mi'kmaq of Nova Scotia.

Section 4 – Departmental Expenses Summary

Departmental Expenses Summary
($ thousands)

Programs and Services	2016-2017 Estimate	2016-2017 Forecast	2017-2018 Estimate
Office of Aboriginal Affairs	$3,467	$3,467	$4,521
Total Departmental Expenses	$3,467	$3,467	$4,521
Ordinary Recoveries	-	15	-
Funded Staff (# of FTEs)			
Department Funded Staff	15.5	15.7	16.5

Note:

For Ordinary Revenues, see Estimates and Supplementary Detail Book, Chapter 2

For TCA Purchase Requirements, see Estimates and Supplementary Detail Book, Chapter 1